IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.662 OF 2006
IN
SUIT NO.672 OF 1983

Aziz Ahmed Mobin Khan ....Plaintiff
V/s.
Mrs.Anwari Sharif Shah & Ors. ....Defendants

Ms.F. Mossa i/b Prakash Mahadik for the Plaintiff.

Mrs.Amarjeet Kaur for Defendant Nos.1, 2 and 4.

CORAM : S.J. VAZIFDAR, J.
DATED : 4TH OCTOBER, 2007.

P.C. :

1. The Chamber Summons which is taken out for amendment is no doubt after considerable delay. However I find the averments essentially relate to furnishing of facts in support of the Plaintiff's contention that the suit properties belong to him. There is no change in the cause of action. Nor has the Plaintiff withdrawn any admission.

2. In the circumstances, the Chamber Summons is made absolute in terms of prayer (a). It is clarified that this order does not reflect on the merits of the contentions in any manner whatsoever.

3. The amendment to be carried out within two weeks from today. Liberty to the Defendants to file an additional written statement within four weeks on being served with the amended plaint.

4. The parties have agreed that after the issues are re-cast, evidence shall be taken on commission. Liberty to the parties to apply after the issues are settled for the reference to the Commissioner for recording evidence.

5. The Chamber Summons is accordingly disposed of.